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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,591	03/19/2004	Trevor William Freeman	13768.497	9557
47973 7590 03/14/2008 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111				
EXAMINER WILLIAMS, JEFFERY L.				
ART UNIT 2137		PAPER NUMBER		
MAIL DATE 03/14/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/804,591

**Applicant(s)**

FREEMAN ET AL.

**Examiner**

JEFFERY WILLIAMS

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the communication filed on 1/7/08.

All objections and rejections not set forth below have been withdrawn.

Claims 1 – 8 are cancelled.

Claims 9 – 28 are pending.

### ***Election/Restrictions***

Claims 1 – 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/7/08.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 9 – 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (Anderson), “Protected EAP Protocol (PEAP)”.**

Regarding claim 9, Anderson discloses:

*an act of receiving a first server request that includes at least a first indication of the authentication mechanisms deployed at the server computing system* (pg. 7, par. 2 – furthermore noted, Anderson discloses sending an EAP request packet. An EAP packet indicates the deployment of various types [at least 4 and optionally more] of authentication methods [i.e. MD5 challenge, OTP, generic token card] - as this is the requirement of EAP implementations);

*an act of sending a first response that includes at least a second indication of the authentication mechanisms deployed at both the client computing system and the authentication mechanisms deployed at the server computing system* (pg. 7, par. 3, 4 – furthermore noted, Anderson discloses sending an EAP response packet. An EAP packet indicates the deployment of various types [at least 4 and optionally more] of authentication methods [i.e. MD5 challenge, OTP, generic token card] - as this is the requirement of EAP implementations);

*an act of identifying a tunnel key that can be used to encrypt content transferred between the client computing system and server computing system* (pg. 6, sect. 2, “part 1”);

*an act of receiving a second server request that includes encrypted authentication content, the encrypted authentication content being encrypted with the tunnel key* (pg. 10, sect. 2.2, par. 2, 3);

*an act of decrypting the encrypted authentication content with the tunnel key to reveal unencrypted authentication content, the unencrypted authentication content indicating a mutually deployed authentication mechanism (pg. 10, sect. 2.2, par. 1 – herein a tunnel key is used so that senders and receivers may encrypt and decrypt communications);*

*and an act of sending a second response, the second response including encrypted response data that is responsive to the unencrypted authentication content, the encrypted response data for authenticating with the server computing system according to the mutually deployed authentication mechanism (pg. 10, sect. 2.2, par. 3; sect. 2.3).*

Regarding claim 10, Anderson discloses:

*wherein the first server request includes the authentication mechanisms deployed at the server computing system, a previous packet ID and a Nonce (pg. 7, par. 5, 7; pg. 10, sect. 2.2, par. 1; pg. 11, sect. 2.3 – Herein disclosed are communications comprising EAP packets - thus 'previous packet ID' [an identifier matching previous requests and reflecting previous responses that may have been lost] - also see pg. 18, 20; pg. 15, "[1]").*

Regarding claim 11, Anderson discloses:

*wherein the authentication mechanisms deployed at the server computing system include one more authentication mechanisms selected from among MS-CHAP*

v2, Authentication with MD5, Authentication with Generic Token Card, Authentication with Kerberos, Authentication with X.509, and Authentication with WS-Security (pg. 3, par. 1; fig. 1 - herein, Anderson discloses EAP capable servers and clients).

Regarding claim 12, Anderson discloses:

*wherein the authentication mechanisms deployed at the client computing system include one more authentication mechanisms selected from among MS-CHAP v2, Authentication with MD5, Authentication with Generic Token Card, Authentication with Kerberos, Authentication with X.509, and Authentication with WS-Security (pg. 3, par. 1; fig. 1 - herein, Anderson discloses EAP capable servers and clients).*

Regarding claim 13, Anderson discloses:

*wherein the first response includes the authentication mechanisms deployed at the client computing system, a previous packet ID, a nonce, one or more security associations, and one or more public keys (pg. 7, par. 4; pg. 9, par. 3).*

Regarding claim 14, Anderson discloses:

*wherein the act of identifying a tunnel key comprises deriving a tunnel key based on a shared secret, a client side nonce, and a server side nonce (pg. 6, sect. 2; pg. 15, "[1]" - herein Anderson discloses negotiating TLS sessions, thus the negotiation of a key using client and server nonces according to TLS).*

Regarding claim 15, Anderson discloses:

*wherein the act of receiving a second server request comprises receiving encrypted authentication content corresponding to an authentication method selected from among: negotiating an authentication method, re-authenticating, boot-strapping a client with an existing user-name and password, boot-strapping a client with an X.509 certificate, authenticating with an X.509 certificate, and boot-strapping a new client with a Kerberos token (pg. 10, sect. 2.2, par. 3 – herein disclosed is negotiation of an authentication method).*

Regarding claim 16, Anderson discloses:

*wherein the second server request includes encrypted authentication content, a previous packet ID, a security association, and a public key (pg. 10, sect. 2.2, par. 2, 3).*

Regarding claim 17, Anderson discloses:

*wherein the act of sending a second response includes sending encrypted responsive data for an authentication method selected from among: negotiating an authentication method, re-authenticating, boot-strapping a client with an existing user-name and password, boot strapping a client with an X.509 certificate, authenticating with an X.509 certificate, and boot-strapping a new client with a Kerberos token (pg. 11, sect. 2.3, "version negotiation").*

Regarding claim 18, Anderson discloses:

*wherein the second response includes encrypted responsive data and a previous packet ID* (pg. 10, sect. 2.2, par. 1; pg. 11, sect. 2.3 – Herein is disclosed the encryption of communications, wherein the communications comprise EAP packets - thus 'previous packet ID' [an identifier matching previous requests and reflecting previous responses that may have been lost] according to the EAP protocol.

Regarding claims 19 – 28, they essentially correspond to claims 9 – 18, and they are rejected, at least, for the same reasons.

### ***Response to Arguments***

Applicant's arguments with respect to claim 9 – 28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***See Notice of References Cited.***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Williams  
AU: 2137

/Emmanuel L. Moise/  
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